

**MEDICAL LICENSING BOARD OF INDIANA
INDIANA GOVERNMENT CENTER SOUTH
402 WEST WASHINGTON STREET
ROOM W064
INDIANAPOLIS, INDIANA 46204
MINUTES OF MARCH 22, 2007**

Worthe Holt, Jr., M.D., President called the meeting to order at 8:58 a.m. and declared a quorum in accordance with IC 25-22.5.

Members Present: Worthe Holt, Jr., M.D., President
 N. Stacy Lankford, M.D.,
 Navin Barot, M.D., Secretary
 Thomas Akre, D.O.
 Stephen Huddleston, J.D., Consumer Member
 Bharat Barai, M.D.
 William Beeson, M.D., Vice President

Staff Present: Michael Rinebold, Board Director
 Professional Licensing Agency
 Jody Edens, Assistant Board Director
 Professional Licensing Agency
 James Schmitt, Deputy Attorney General
 Office of the Attorney General

The Board voted to adopt the agenda and addendum as amended.
Lankford/Barai, 7/0/0

The Board voted to adopt the minutes of the February 22, 2007 meeting.
Lankford/Barai, 7/0/0

PERSONAL APPEARANCES

INITIAL APPLICANTS

The following appeared before the full Board for their scheduled personal appearance.

Jeffrey M. Waesch, M.D. – Dr. Waesch appeared before the Board concerning a positive response on his initial application and was not represented by counsel. He informed the Board that he has current licenses in eight (8) other states. He travels from state to state doing hair transplants. When he leaves the hair transplant site after a week of surgeries there isn't a specific physician that takes over his patients that may have post operative problems or questions. The Board was very concerned with this practice procedure and after discussion they moved

to TABLE his application for one (1) year giving the doctor the opportunity to establish coverage procedures.

Barai/Barot, 7/0/0

Joel Christopher Nunley, M.D. – Dr. Nunley appeared before the Board concerning a positive response on his initial application and was not represented by counsel. Dr. Nunley is currently in the Oklahoma impaired Physician's program. He submitted excellent letters of support. He has contacted Candace Backer and is in the process of signing a contract with ISMA. After discussion the Board moved to APPROVE his application for licensure pending proof of a signed contract with ISMA.

Barai/Akre, 5/0/2, with Dr.'s Beeson and Barot abstaining

Kurt Robert Guindon, M.D. – Dr. Guindon did not appear for his scheduled personal appearance.

ADMINISTRATIVE HEARINGS

The following hearing was continued:

Shashi Puttaswamy, M.D., License No. 01041820A, Cause No. 2006 MLB 0023

John A. King, D.O. (aka Christopher Wallace Martin), License No. 02002194A, Cause No. 2005 MLB 0038

Respondent did appear in person and was represented by Thomas Farlow, J.D., regarding a Final Hearing scheduled before the Board. The State of Indiana was represented by Elizabeth Kiefner, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Andy Rutledge Reporting. Mr. Farlow requested a continuance of this matter. He informed the Board that he recently took over this case and had not had time to review all the materials to adequately represent his client. Ms. Kiefner objected to the continuance as the Respondent has had plenty of time to obtain counsel and prepare his counsel for this hearing. It was the Respondent's decision to wait until 48 hours before the hearing to obtain counsel.

After having considered the evidence presented and taking official notice of its file in this matter the Board moved to DENY the request for continuance.

Lankford/Beeson, 4/2/1, with Dr. Barot and Mr. Huddleston objecting
and Dr. Akre abstaining

After discussion the Board moved to recess this hearing at 9:30 a.m. until after lunch to allow Ms. Kiefner time to share documents with Mr. Farlow and to allow Mr. Farlow adequate time to review those documents.

CONSENSUS

The hearing for John A. King, D.O. (aka Christopher Wallace Martin) reconvened at 3:40 p.m. Michael Rinebold, Board Director was sworn in as a witness for the State.

Mr. Farlow renewed his motion for a continuance. The Board acknowledged his renewal and moved to go forward with the hearing.

The Respondent has had action against his license or voluntarily surrendered his license in the following states: West Virginia, Texas, Michigan, Ohio, and Alabama. According to the State he did not answer truthfully on his Indiana license renewal questions in 2003 and 2005.

The original complaint was filed in 2005 at which time the Respondent was represented by counsel. An ALJ hearing was scheduled in January 2006 in which both parties were present; however, the matter was not resolved. An amended complaint was filed October 20, 2006.

After having considered the evidence presented, testimony of the witness and taking official notice of its file in this matter the Board moved to place the Respondent's license on INDEFINITE SUSPENSION may not request reinstatement for twenty-four (24) months.

Holt/Lankford/no vote

After further discussion the Board moved to amend the above motion to state INDEFINITE SUSPENSION and Costs.

Holt/Lankford, 6/1/0, with Dr. Barot objecting

Michael R. Johnson, M.D., License No. 01035838A, Cause No. 2001 MLB 0012

Respondent did appear in person and was not represented by counsel regarding a Petition to Withdraw Order of Probation scheduled before the Board. The State of Indiana was represented by Mark Mader, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Andy Rutledge Reporting. Michael Rinebold, Board Director was sworn in as a witness for the Respondent.

Mr. Rinebold testified that Dr. Johnson is in compliance with his Board order. The Respondent informed the Board that he has met all his terms of Probation. He has complied with his monitoring program and has done 100 hours CME's annually. He is still trying to obtain licensure in AZ. He took the SPEX in 2003 with a passing score. He last saw a patient in August 2002.

The Board expressed their concern that he has not seen a patient since 2002. During this discussion the Respondent requested a continuance of this matter to give him time to obtain proof of competency.

After having considered the evidence presented, testimony of the witness and taking official notice of its file in this matter the Board moved to grant the CONTINUE requested by the Respondent.

Huddleston/Akre, 7/0/0

Melinda J. J. Gruber, M.D., License No. 01045418A, Cause No. 2006 MLB 0009

Respondent did not appear in person and was represented by Beth Compton, J.D., regarding a Final Hearing scheduled before the Board. The State of Indiana was represented by Elizabeth Kiefner, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Andy Rutledge Reporting.

An agreement between the Respondent, her counsel and the Attorney General's Office was presented to the Board by Elizabeth Kiefner, Deputy Attorney General. The agreement included a LETTER OF REPRIMAND, one (1) year contract with ISMA, 3 contact hours of continuing education on proper documentation of controlled substances and Respondent agrees to pay for a transcript of this matter.

After having considered the evidence presented and taking official notice of its file in this matter the Board moved to ACCEPT the agreement.

Beeson/Huddleston, 5/0/2, with Dr.'s Barai and Lankford abstaining

Debra Jean Heck, M.D., License No. 01041384A, Cause No. 2006 MLB 0034

Respondent did appear in person and was represented by Michael Roth, J.D., regarding a Final Hearing scheduled before the Board. The State of Indiana was represented by Elizabeth Kiefner, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Andy Rutledge Reporting.

An agreement between the Respondent, her counsel, and the Attorney General's Office was presented to the Board by Elizabeth Kiefner, Deputy Attorney General. The agreement included INDEFINITE SUMMARY SUSPENSION and Respondent agrees to pay for a transcript of this hearing. Prior to petitioning for the Indefinite Summary Suspension to be lifted the Respondent shall comply with the following terms:

- Re-enter ISMA
- Be evaluated by a Board Certified Psychiatrist and enter into a treatment program for psychological issues
- Provide written proof she has entered into treatment for her addiction and boundary issues

After having considered the evidence presented and taking official notice of its file in this matter the Board moved to ACCEPT the agreement.

Akre/Barot, 6/0/1, with Dr. Lankford abstaining

Bryan Scott Smith, M.D., License No. 11010952A, Cause No. 2003 MLB 0018

Respondent did appear in person and was not represented by counsel regarding a Petition to Reinstate scheduled before the Board. The State of Indiana was represented by Tracy Fitz, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Andy Rutledge Reporting.

Dr. Smith has been compliant with the terms of probation listed in his Suspension Order since 2003. The Board is hearing this matter to officially reinstate Dr. Smith's residency permit from Suspension to Probation. Dr. Smith's license in Pennsylvania is currently on Probation.

After having considered the evidence presented and taking official notice of its file in this matter the Board moved to WITHDRAW the Suspension Order and placed the Respondent's residency permit on INDEFINITE PROBATION with the following terms and conditions:

- May not apply for a CSR or DEA permit for a period of two (2) years
- Maintain contract with ISMA for a period of two (2) years
- Annual personal appearances with the Board
- Provide quarterly progress reports from ISMA
- He shall seek psychological/psychiatric counseling and provide bi-annual reports
- If he enters into a residency program in Indiana he must provide detailed bi-annual reports from the Director of the program concerning his performance
- He shall not diagnose, provide treatment, or prescribe to any relative or family member
- Must obtain fifty (50) hours of community service per year

Holt/Huddleston, 7/0/0

Steven E. Ross, M.D., License No. 01027154A, Cause No. 2004 MLB 0022

Respondent did appear in person and was represented by Kelly Green, R.N., J.D., regarding a Settlement scheduled before the Board. The State of Indiana was represented by Elizabeth Kiefner, Deputy Attorney General and the court reporter sworn in for this matter was Felicia Warren, with Andy Rutledge Reporting.

A settlement between the Respondent, his counsel and the Attorney General's Office was presented to the Board by Elizabeth Kiefner, Deputy Attorney General. The settlement included a FINE of \$500.00, six (6) hours of CEU's in the area of legal and ethical obligations of physicians and the Respondent agrees to pay for a copy of the transcript.

After having considered the evidence in this matter and taking official notice of its file in this matter the Board moved to ACCEPT the agreement.

Holt/Akre, 5/0/1, with Dr. Barai abstaining
(Dr. Lankford was not in attendance for this matter)

Marvin E. Gold, M.D., License No. 01018654A/B, Cause No. 2005 MLB 0026

Respondent did not appear in person and was not represented by counsel regarding a Motion to Dismiss scheduled before the Board. The State of Indiana was represented by Mark Mader, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge, with Andy Rutledge Reporting. The Respondent passed away therefore the State has submitted a motion to dismiss this matter.

After having considered the evidence presented and taking official notice of its file in this matter the Board moved to DISMISS this matter.

Holt/Akre, 6/0/0
(Dr. Lankford was not in attendance for this matter)

Robert X. Williams III, M.D., License No. 01058219A/B, Cause No. 2003 MLB 0040

Respondent did not appear in person and was not represented by counsel regarding a Motion to Dismiss scheduled before the Board. The State of Indiana was represented by Tracy Fitz, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge, with Andy Rutledge Reporting. The Respondent passed away therefore the State has submitted a motion to dismiss this matter.

After having considered the evidence presented and taking official notice of its file in this matter the Board moved to DISMISS this matter.

Holt/Barot, 6/0/0
(Dr. Lankford was not in attendance for this matter)

Terri Lynn Savage, M.D., License No. 01059566A, Cause No. 2006 MLB 0039

Respondent did not appear in person and was not represented by counsel regarding a Notice of Proposed Default scheduled before the Board. The State of Indiana was represented by Elizabeth Kiefner, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge, with Andy Rutledge Reporting.

To ensure the Board has exhausted every attempt to provide notice to the Respondent, the Board requested that this matter be continued.
After having considered the evidence presented and taking official notice of its file in this matter the Board moved to CONTINUE this matter until next month.

Huddleston/Barai, 6/0/0

After further discussion the Board moved to RENEW the SUMMARY SUSPENSION for a period of ninety (90) days.

Huddleston/Barai, 6/0/0
(Dr. Lankford was not in attendance for this matter)

Wei Chen Yang, D.C., Acu., License No. 81000027A, Cause No. 2007 MLB 0003

Respondent did not appear in person and was not represented by counsel regarding a Summary Suspension scheduled before the Board. The State of Indiana was represented by Shelley Johnson, Deputy Attorney General and the court reporter sworn in for this matter was Felicia Warren, with Andy Rutledge Reporting.

The Respondent's Chiropractic license was placed on summary suspension by the Chiropractic Board. He has pled guilty to health care fraud. An agreement between the Respondent, his counsel and the Attorney General's Office was presented to the Board by Shelley Johnson, Deputy Attorney General. The agreement included a SUMMARY SUSPENSION for a period of ninety (90) days.

Barot/Akre, 6/0/0
(Dr. Lankford was not in attendance for this matter)

Hong Yuan Shao, D.C., Acu., License No. 81000063A, Cause No. 2007 MLB 0004

Respondent did not appear in person and was represented by James Voyles, J.D., regarding a Summary Suspension scheduled before the Board. The State of Indiana was represented by Shelley Johnson, Deputy Attorney General and the court reporter sworn in for this matter was Felicia Warren, with Andy Rutledge Reporting.

The Respondent's Chiropractic license was placed on Summary Suspension by the Chiropractic Board. He has pled guilty to health care fraud.

An agreement between the Respondent, his counsel and the Attorney General's Office was presented to the Board by Shelley Johnson, Deputy Attorney General. The agreement included a SUMMARY SUSPENSION for a period of ninety (90) days.

After having considered the evidence presented and taking official notice of its file in this matter the Board moved to ACCEPT the agreement.

Lankford/Beeson, 7/0/0

Michael John Fenelon, M.D., License No. 01035318A, Cause No. 2006 MLB 0016

Respondent did appear in person and was represented by James Voyles, J.D., regarding a Final Hearing scheduled before the Board. The State of Indiana was represented by Tracy Fitz, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Andy Rutledge Reporting.

An agreement between the Respondent, his counsel, and the Attorney General's Office was presented to the Board by Tracy Fitz, Deputy Attorney General. The agreement included INDEFINITE SUSPENSION with the following terms:

- May not request reinstatement for a period of two (2) years
- Must follow CPEP recommendations
- May apply for reinstatement on probation status pending completion of a residency/re-training program
- Must pay for a transcript of this matter

After having considered the evidence presented and taking official notice of its file in this matter the Board moved to ACCEPT this matter.

Barai/Beeson, 7/0/0

Anthony T. Deluco, M.D., License No. 01043866A, Cause No. 2006 MLB 0013

Respondent did not appear in person and was not represented by counsel regarding a Notice of Proposed Default scheduled before the Board. The State of Indiana was represented by Tracy Fitz, Deputy Attorney General and the court reporter sworn in for this matter was Felicia Warren, with Andy Rutledge Reporting.

After having considered the evidence presented and taking official notice of its file in this matter the Board moved to hold the Respondent's license in DEFAULT.

Huddleston/Akre, 6/0/0

The Respondent's license in Canada has been disciplined. His Canadian license was placed on Probation for lewd and immoral misconduct. He then disobeyed his Probation order and the Canadian Board revoked his license for sexually abusing two (2) patients. The Respondent was ordered by the Canadian Board to pay \$10,000 per patient for their counseling.

After further discussion the Board moved to REVOKE the Respondent's license.

Holt/Huddleston, 6/0/0
(Dr. Lankford was not in attendance for this matter)

Joseph Claude Carver, M.D., License No. 01039351A, Cause No. 2006 MLB 0020

Respondent did appear in person and was not represented by counsel regarding a Final Hearing scheduled before the Board. The State of Indiana was represented by Elizabeth Kiefner, Deputy Attorney General and the court reporter sworn in for this matter was Felicia Warren, with Andy Rutledge Reporting. A settlement agreement between the Respondent and the Attorney General's Office was presented to the Board by Elizabeth Kiefner, Deputy Attorney General. The agreement included that if the Respondent renews his Indiana license it will be on INDEFINITE PROBATION and the Respondent agrees to pay for a transcript of this matter.

After having considered the evidence presented and taking official notice of the file in this matter the Board moved to ACCEPT the agreement.

Barai/Holt, 7/0/0

David C. Hanes, D.O., License No. 02002710A, Cause No. 2003 MLB 0058

Respondent did appear in person and was not represented by counsel regarding a Petition to Withdraw Probation scheduled before the Board. The State of Indiana was not represented in this matter and the court reporter sworn in for this matter was Felicia Warren, Deputy Attorney General. Michael Rinebold, Board Director was sworn in as a witness for the Respondent.

Mr. Rinebold testified that the Respondent is in compliance with his probation order.

Dr. Hanes informed the Board that he continues to attend AA meeting and on October 6, 2006 the probation on his Ohio license was lifted. Shortly after that the Wisconsin Board also released him from his probation order. His Ohio license is current and his Wisconsin license is now expired. His sobriety date is March 8, 2001.

After having considered the evidence presented and taking official notice of its file in this matter the Board moved to WITHDRAW the order of Probation.

Barot/Huddleston, 7/0/0

REVIEW OF INITIAL APPLICATIONS

The Board reviewed the positive response information on the following applicants and approved them for issuance:

| | | |
|---------------------|------------------------|----------------------------|
| Douglas Bruns, D.O. | Richard Cardella, M.D. | Richard Chang, M.D. |
| Michael Klele, M.D. | William Lowery, M.D. | Booker Morris, M.D. |
| James Scherer, M.D. | Richard Toothman, M.D. | A. David Westerfield, M.D. |

The Board reviewed the positive response information on the following applicants and requested that they personally appear before the Board:

David Burshe, M.D. James Johnson, M.D. Edward Nusbaum, M.D.

DISCUSSION

Robert Barber, M.D. – The Board received a letter from State Representative Jackie Walorski in reference to Dr. Barber's application for licensure. Representative Walorski urged the Board to reconsider the medical license of Dr. Barber as Dr. Barber will be serving a medically underserved area. After discussion the Board moved to GRANT licensure to Dr. Barber.

Lankford/Barai, no vote

After further discussion Dr. Lankford withdrew his motion to grant licensure. The Board held up their previous decision made at the February 22, 2007 meeting. The Board requested Mr. Rinebold to notify the Representative of their decision and that the Board needs to maintain a level of quality across the board.

Federation Credentials Verification Service – The Board discussed the FCVS packets provided through the Federation of State Medical Boards. The packets contain documents that have been obtained through primary source verification. Using the FCVS packets will save the Physician from having to contact individual locations for documents and it saves the IPLA staff time in processing the application. The Federation also safely houses the documents in case of a natural disaster. The Board moved to Highly Recommend the Physicians obtain the FCVS packets. The Board further requested that Mr. Rinebold initiate looking a possible rule promulgation to require Physicians to obtain the FCVS packets for licensure.

Barai/Lankford, 7/0/0

NEW BUSINESS

Medical School Issues – The Board discussed the issue of medical schools and if the Physician's from certain schools are qualified for licensure in Indiana. Mr. Huddleston reminded the Board that 844 IAC 4-4.5-3(b) states "In order to be approved by the board for the purpose of obtaining a license or permit, a school of medicine or school of osteopathic medicine located outside of the US, its possessions, or Canada must maintain standards equivalent to those adopted by: (1) the Liaison Committee on Medical Education, Functions and Structure of a Medical School, Standards for Accreditation of Medical Education Programs Leading to the M.D. degree, 2001 or

(2) the Bureau of Professional Education of the American Osteopathic Association, Accreditation of Colleges of Osteopathic Medicine, 2001. It is the applicant's responsibility to show that the school he/she attended is equivalent to the LCME or BPEAOA accreditation. This information should be in the file when the file is reviewed by the Board or the applicant can bring the evidence with him/her to their personal appearance for the Board to review. Mr. Rinebold informed the Board that they do have the rule making authority under the waiver authority to come up with a list of requirements for accepted schools.

There being no further business the meeting adjourned at 5:30 p.m.

Worthe Holt, JR., M.D. President

Navin Barot, M.D., Secretary